

# Pretrial Reform Proposals

Bail and Pretrial Release Court  
Rule & Pretrial Services Offices

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# Bail reform does not stand alone



Pretrial reform needs supports to be successful



Implementing piecemeal reforms without a comprehensive plan to support changes will likely result in unsuccessful outcomes



Jurisdictions that have been successful in reforming pretrial have multiple programs & policies supporting reforms

# Pretrial Reforms and Supports

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Local law enforcement adoption of Cite-and-Release policies

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Implementing new county bail policy

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Public Defender's Offices Expanded Statewide

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Pretrial Services Offices

# Bail and Pretrial Release for Indigent Persons

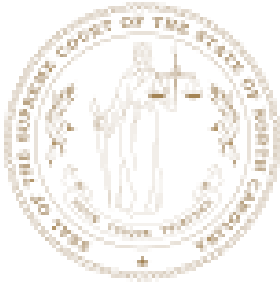
NC Constitution: prohibition against excessive bail, imprisonment for debt, guarantees rights to due process and equal protection, and right to counsel at critical stages of the prosecution

State statute §15A-534(b) favors release without bond

Research shows secured bond does not assure better rates of appearance or law-abiding conduct prior to trial

*Allison v. Allen* (Alamance County) Consent Order issued in May 2020 finds practices common in NC unconstitutional

## GENERAL RULES OF PRACTICE FOR THE SUPERIOR AND DISTRICT COURTS



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# Principles for High-Quality Pretrial Services Programs

- Most released automatically without conditions, pretrial services reserved for the few that need supports
- Supports should be voluntary and free to participants
- Conduct behavioral health-focused screenings for all before booked into jail. Offer targeted supports for mental health or substance abuse issues.
- Information gathered remains confidential – never used against the individual as part of their criminal case.
- Pretrial interviews must always recommend least restrictive conditions for release.
- Pretrial interview is not a substitute for a constitutionally compliance bail hearing

A division of Buncombe County Justice Services Department, Pretrial Services has two primary functions:

Assisting the courts in pretrial release decisions and providing pretrial release supervision.

*conducts standardized risk assessments*

*compiles background information on individuals who have been booked into the Buncombe County Detention Facility.*

Supervision is provided to ensure individuals have the necessary resources to make their court appearance and decrease their chances of obtaining a new charge.

Buncombe  
County Pretrial  
Services

As of 9/21/2020, there are **1126** supervisees/people on pretrial supervision

Of the total people on supervision:

384 (34 percent) supervisees are on intensive supervision

343 (30 percent) supervisees are on administrative supervision

263 (23 percent) supervisees are on standard supervision

133 (12 percent) supervisees are in custody

2 (0.17 percent) supervisees are on courtesy supervision\*

1 (0.09 percent) supervisee is on enhanced supervision

## Buncombe County Pretrial Services

## Opportunities to improve:

Public Defender earlier in the process

Magistrates having access to risk assessment/background information

Access ability to pay

Establishing the creation of local criminal justice collaborating councils

Buncombe  
County Pretrial  
Services



# Orange County Pretrial Services

- One dedicated Case Manager with supporting behavioral health specialists to assist with case management needs
- Everyone booked is seen in-person by Case Manager and intake completed; risk assessment (RA) where qualified
- Verified information, RA summaries and recommendation provide prior to court
- First Appearances held at 2:00pm Monday – Friday on Misdemeanors, Felonies and OFA's
- District Attorney and PD present
- All offenses are eligible for supervision, but a court order is required
- GPS monitoring available only for higher risk individuals
- No cost to individuals for Pretrial supervision or GPS
- Court date notification and check-ins are automated
- Data collected by the software program

# Orange County Pretrial Services

- Increased Judicial Buy-in and Reliance on RA Tool
- Pretrial ADP and Total Pretrial Bookings decreased from 2018 to 2019
- Strike Order Hearings held weekly by Clerk and Pretrial Case Manager
- Daily Jail Dashboard created
- Magistrates refer directly to Pretrial
- New Magistrate Tool Implemented August 2020
- New non-appearance flow chart for judges being implemented
- Shrink the Funnel: Increased use of citations, pre-arrest deflection programs, decriminalization
- COVID-19 Urgent Measures
- Tracking outcomes of pretrial efforts

# Benefits of Pretrial Reform in Orange County

- Reduce inequities and disparities
- Reduce explicit and implicit bias
- Using an evidence-based tool to assess risk promotes safety
- Pretrial supervision and accountability allows for an opportunity to address needs and enhance court appearance rates
- Increase stability and improve outcomes for justice-involved individuals
- Reduce pretrial population and costs to county

Questions?